



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

Steve Schlagen, Chairman
Associated Milk Producers, Inc.
315 N Broadway, P.O. Box 455
New Ulm, Minnesota 56073
schlangens@ampi.com

Jim Potter, Plant Manager
Associated Milk Producers, Inc.
101 West 1st Street
Sanborn, Iowa 51248
potterj@ampi.com

C T Corporation System
Registered Agent
Suite 110, 400 East Court Avenue
Des Moines, Iowa 50309
info@ctadvantage.com

RE: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

Dear Mr. Potter:

On July 19-22, 2021, a representative of the U.S. Environmental Protection Agency performed an inspection of the Associated Milk Producers Inc. facility in Sanborn, Iowa. The purpose of the inspection was to assess the facility's compliance with discharges to the city of Sanborn's sewage treatment plant in accordance with the City's National Pollutant Discharge Elimination System Permit. The inspection was conducted under the authority of Section 308 of the Clean Water Act 33 U.S.C. § 1318. A copy of the inspection report was sent to AMPI on or about September 28, 2021. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of these statutes, the EPA hereby requires AMPI, to provide the information requested in ENCLOSURE A within 30 days of receipt to the address identified therein. **Please read the instructions and definitions included in ENCLOSURE A carefully before preparing your responses to this Request for Information.**



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We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Lantz Tipton of my staff at (913) 551-7892 or tipton.lantz@epa.gov.

Sincerely,

Wendy Lubbe
Acting Director
Enforcement and Compliance Assurance Division

Enclosures

Enclosure A. Request For Information And Instructions

Enclosure B. Statement of Certification

cc: Jim Zeuthorst, City of Sanborn – jimzeut@tcaexpress.net
Ben Hucka, Iowa Department of Natural Resources – ben.hucka@dnr.iowa.gov
Ted Petersen, Iowa Department of Natural Resources – ted.petersen@dnr.iowa.gov

ENCLOSURE A

REQUEST FOR INFORMATION AND INSTRUCTIONS

RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST

The U.S. Environmental Protection Agency requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve any responsibility under the CWA, including, but not limited to seeking, maintaining or complying with an applicable NPDES permit.

Contact Information.

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address and email and/or phone number.
3. Responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

Responses Format.

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information should be submitted by mail and properly labeled.*

Complete Responses and New or Corrected Information.

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
7. If information or documents not known or not available as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within 14 calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within 14 calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Accurate and Truthful Information Required.

8. Please be advised that the failure to respond or the failure to respond accurately, may subject you to administrative, civil, or criminal enforcement under Section 309 of the CWA, 33 U.S.C. § 1319, and the knowing submission of false information may subject you to criminal enforcement that could include fines and imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319 or 18 U.S.C. § 1001(a).

Certification.

9. The Statement of Certification found in **ENCLOSURE B** must be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement must be made by a person authorized to sign reports pursuant to 40 CFR § 122.22(a) and (b). For your convenience, the text of these provisions is included on ENCLOSURE B.

Personally Identifiable Information

10. If you believe any of the requested information is personally identifiable information, PII, please redact that information or provide a clear statement with your submittal indicating that PII may be present. Information determined to be PII will be withheld and protected in accordance with 40 C.F.R. § 2, Subpart A, and applicable EPA Privacy Act policies.

Confidential Business Information.

11. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information (CBI) claim under the provisions of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.
 - a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
 - i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
 - ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 CFR § 2.203(a).
 - iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.
 - b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as *trade secret*, *proprietary*, *confidential business information*, *CBI* or *proprietary business information*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

- c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.
- d. Please refer to 40 CFR § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

12. It is strongly preferred that your response(s) be scanned and sent electronically within the timeframes identified in Section III, below to: **tipton.lantz@epa.gov**

If you are unable to send your response electronically, all responses to this Request for Information must be submitted within the timeframes identified herein. Each response should be submitted in a manner that allows you to track delivery and be submitted to:

**U.S. Environmental Protection Agency
ATTN: Lantz Tipton
Enforcement Compliance & Assurance Division
11201 Renner Boulevard
Lenexa, Kansas 66219**

II. Definitions

All terms used in this Request for Information that are not defined below shall be defined as they are defined at Section 502 of the CWA, 33 U.S.C. § 1362, and 40 CFR §§ 122.2 and 403.3. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Request for Information:

1. “Record” is defined as any recording of information, including, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, logbooks, notes, computer print outs and computer data bases.
2. “Document” is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
3. “Facility” means the Associated Milk Producers, Inc. facility located at 101 West 1st Street Sanborn, Iowa 51248.
4. “Treatment Agreement” means the agreement between Associated Milk Producers, Inc. and the city of Sanborn, Iowa and with an effective date of June 3, 2020, that identifies the compatible waste and incompatible waste contributions the Facility is allowed to discharge to the City’s Sewage Treatment Plan (“STP”).

5. “Permit” means the National Pollutant Discharge Elimination Permit No. IA0032522, issued by the Iowa Department of Natural Resources to the city of Sanborn (“City”), Iowa, for the Sanborn STP effective July 1, 2020, through June 30, 2025. The Permit includes Pretreatment limitations for Associated Milk Producers, Inc. (pages 10 and 11 of the Permit)
6. “Outfall” means each point at which wastewater from the Facility exits all treatment processes at the Facility and enters the wastewater collection system owned and operate by the city of Sanborn and is transported to the STP.

III. Requested Information

Within 30 days of receipt of this Request for Information, provide the following information:

1. Please identify the person to contact regarding your submission, including title, address and email and/or phone number.
2. Your responses to this Request for Information are to be provided by a knowledgeable and qualified professional. For each response required below, provide the name, title and credentials of the person(s) providing information in response to this Request for Information.

This information request applies to the wastewater discharges from Associated Milk Producers, Inc. to the city of Sanborn’s STP.

3. Provide to the EPA a narrative statement and any supporting documentation that describes any corrective actions taken by AMPI to meet treatment agreement limits following the EPA’s inspection including plans for additional pretreatment activity or actions.
4. Provide to the EPA a narrative statement and any supporting documentation that describes the efforts by AMPI to ensure that the wastewater discharged from the Facility to the Sanborn STP is sufficiently treated to meet pollutant levels in the effluent required by the treatment agreement(s). Supporting information should include but is not limited to the following:
 - a. Any engineering studies, plans, or proposals developed for the Facility or the City on behalf or at the request of AMPI;
 - b. Provide any notifications, from AMPI to the city of Sanborn, of plant upsets, high strength waste discharges, slugs, or non-compliance with treatment agreements;
 - c. Include any approvals or agreements with the city of Sanborn regarding the discharge of effluent above treatment agreement levels to the Sanborn STP;
5. For the time period between January 2015 to the receipt of this information request, provide any notifications from the city of Sanborn of known or suspected Pass Through and/or Interference events (as defined by 40 CFR 403.3(p) and (i), respectively) experienced at the STP as the result of contributions from AMPI.
6. Provide hourly summaries of all pH measurements and corresponding wastewater flows, from each associated outfall or monitoring location, taken for each day of the month from

January 1, 2021, through the date of this information request. If available, provide the date in a Microsoft Excel workbook.

7. "Permit" means the National Pollutant Discharge Elimination Permit No. IA0032522, issued by the Iowa Department of Natural Resources to the city of Sanborn ("City"), Iowa, for the Sanborn STP effective July 1, 2020, through June 30, 2025. The Permit includes Pretreatment limitations for Associated Milk Producers, Inc. (pages 10 and 11 of the Permit)
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 - b. Provide any notifications, from AMPI to the city of Sanborn, of plant upsets, high strength waste discharges, slugs, or non-compliance with treatment agreements;
 - c. Include any approvals or agreements with the city of Sanborn regarding the discharge of effluent above treatment agreement levels to the Sanborn STP;
11. For the time period between January 2015 to the receipt of this information request, provide any notifications from the city of Sanborn of known or suspected Pass Through and/or Interference events (as defined by 40 CFR 403.3(p) and (i), respectively) experienced at the STP as the result of contributions from AMPI.

12. Provide hourly summaries of all pH measurements and corresponding wastewater flows, from each associated outfall or monitoring location, taken for each day of the month from January 1, 2021, through the date of this information request. If available, provide the date in a Microsoft Excel workbook.

ENCLOSURE B

STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 CFR § 122.22 Signatories to permit applications and reports.

(a) *Applications.* All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,

(3) The written authorization is submitted to the Director.